

26 AUGUST 1946

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
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I N D E X
Of
EXHIBITS

<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
	280	Declaration, Text of	4257	
	281-A	Book of Poems		4269
	281-B p.14	" " "		4269
	281-C p.197	" " "		4269
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Monday, 26 August, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese, Japanese to
English, English to Chinese, and Chinese to
English interpretation was made by the
Language Section, IMTFE.)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session and ready to hear any matter brought before it.

THE PRESIDENT: All the accused are present except OKAWA, MATSUI and HIRANUMA, who are represented by their respective counsel. I have here a further certificate of the illness of HIRANUMA under the hand of the Assistant Prison Surgeon of Sugamo Prison. It will be recorded and filed.

Is there any further cross-examination?

Dr. KIYOSE.

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H E N R Y P U - Y I, called as a witness on behalf of the prosecution, resumed the stand and testified as follows:

CROSS-EXAMINATION (Continued)

BY DR. KIYOSE:

Q Last Friday I put to the witness the following question: Did not the Northeastern Political -- the Northeastern Administrative Council prevail upon you to become head of State of the new government of Manchukuo? To this question the witness replied that he accepted the offer and that this took place about the time he met ITAGAKI. In view of the situation which prevailed last Friday, I will not continue to

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1 press you for dates, but may I ask whether in
2 accepting this proposal there were not two condi-
3 tions attached thereto?

4 A I have already replied you what I recall.
5 If you said that there were two conditions attached
6 to these demands, will you please let me know them?

7 Q Then to refresh your memory, Mr. Witness,
8 I ask you whether the conditions were not as follows:
9 First, that you would attend to the affairs of
10 government experimentally for one year; and, second,
11 in consideration of the political structure of the
12 new state, the constitution, and so forth, that you
13 would resign if your administration of government
14 did not satisfy the expectations of the thirty
15 million people of the country. Does this remind
16 you, or does this recall to your mind the conditions
17 of the offer?

18 A Those were right.

19 Q Thank you very much. You have made a
20 rather clear reply to my question. Now, after you
21 proceeded from Port Arthur to Hsinking, did you make
22 some sort of declaration at the time of the ceremony
23 of your assumption of the Regency of Manchukuo?

24 THE MONITOR: "When you proceeded to Hsinking
25 from Port Arthur in order to attend the ceremony of

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1 your becoming throned to the State of Manchukuo."

2 A There was a declaration written by Cheng
3 Hsiao-hsu.

4 Q Cheng Hsiao-hsu may have been the writer
5 or the author of the declaration, but am I correct
6 in saying that you accepted this declaration upon
7 your confirmation of it and announced it as your own?

8 A Of course, that was so.

9 Q Last Friday in reply to my question whether
10 or not you had exchanged some documents with the
11 Commander-in-Chief of the Kwantung Army, General
12 HONJO, you stated, Mr. Witness, that you wanted to
13 see the text of that document --

14 THE MONITOR: "Original text."

15 Q (Continued) --original text of that document.
16 The President of the Tribunal also so desired --
17 expressed the same desire. I have brought the text
18 with me here, and I wish that you, Mr. Witness,
19 would look at it and tell me whether you had accepted
20 it before your inauguration as Regent of Manchukuo.
21 Will you examine the contents of the text?

22 THE PRESIDENT: Mr. Tavenner.

23 MR. TAVENNER: If it please the Tribunal,
24 I think counsel for the prosecution should be furnished
25 with a copy or be permitted to examine the document;

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1 and I think also the source of this document, which
2 is reported to be a secret document, should be
3 explained.

4 THE PRESIDENT: The nature of our direction
5 will depend upon what the witness says about the
6 document.

7 A Last Friday you were talking about agreement
8 or treaty, which I was pretty much confused. Now,
9 actually this document you just showed me represented
10 a kind of unilateral demand which is no agreement
11 or treaty. On this document it showed only signature
12 of one party. If it is an agreement, it should have
13 been signed by two parties concerned.

14 Q Whatever that may be, Mr. Witness, did you
15 accept such a document before your inauguration as
16 Regent?

17 A I accepted them but at that time under those
18 circumstances what could I do?

19 THE PRESIDENT: You may tender the document
20 as an exhibit now, but you should give a copy to the
21 prosecution immediately.

22 CLERK OF THE COURT: Defense document --

23 DR. KIYCSE: I shall so do.

24 THE PRESIDENT: What is the number of the
25 document?

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1 CLERK OF THE COURT: Defense document
2 presented for identification is marked exhibit 280.

3 (Whereupon, the document above
4 referred to was marked defense exhibit No. 280
5 for identification.)

6 THE PRESIDENT: It is in Japanese. Copies
7 should be made -- a translation should be made for the
8 Members of the Tribunal.

9 DR. KIYOSE: Mr. President, that is written
10 in Chinese so the translation will be submitted in
11 Japanese and English.

12 MR. TAVENNER: May the prosecution have the
13 use of this document at present for examination.

14 DR. KIYOSE: Please.

15 THE PRESIDENT: You may peruse it in the
16 usual way.

17 DR. KIYOSE: May I state the nature and the
18 source of this document, sir?

19 THE PRESIDENT: You may.

20 DR. KIYOSE: This shall be presented as in
21 evidence for the accused. This document was accepted
22 by the witness before his inauguration as Regent of
23 Manchukuo on the condition that he would accept it
24 and carry it out after his inauguration as Regent.
25 The document is made up of five articles, the first

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1 of which relates to the following: That the national
2 defense and the preservation of law and order in
3 Manchuria will be delegated to Japan. The second
4 article pertains to the control of the existing rail-
5 ways, harbors, waterways and air routes, as well as
6 the construction of new routes by Japan in Manchukuo.

7 THE MONITOR: "If Japan decides that such is
8 necessary from the standpoint of her national defense."

9 DR. KIYOSE: (Continuing) The third article,
10 in effect, is that Manchukuo shall give every possible
11 assistance in connection with various establishments
12 deemed necessary by the Japanese Army. The fourth
13 article states, in effect, that Japanese with far-
14 sighted views and high reputation shall be appointed
15 State Councillors of Manchukuo. Article five states,
16 in effect, that the purport as well as the provisions
17 of the four above-mentioned clauses shall be the basis
18 of treaties to be concluded in the future between the
19 two countries. This document was accepted by the
20 witness before his inauguration as Regent and the
21 acceptance of this document was so recorded in the
22 witness' own writing. However, the date of the sig-
23 nature was made the day after the inauguration.

24 THE PRESIDENT: Well, you must establish
25 that he signed the document the day after. You must

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1 not be content merely with telling that to us. We
2 want proof.

3 DR. KIYOSE: I shall do so. This document
4 became the basis of what was later known as the
5 Japan-Manchukuo Protocol. This document, furthermore,
6 was filed together with the protocol -- the original
7 protocol -- to form a unit.

8 What I have brought to this Court this
9 morning was in the files of the Japanese Government
10 together with the Japan-Manchukuo Protocol and the
11 custodian of said document has mimeographed a copy
12 of this document and attached his certificate.

13 MR. TAVENNER: If it please the Tribunal,
14 the prosecution has no objection to the introduction
15 of this document; but I do desire to call to counsel's
16 attention that it is merely a copy that was presented
17 to the witness, and I want to ask defense counsel if
18 that copy shows the signature as he contends.

19 DR. KIYOSE: The document attached to the
20 Japan-Manchukuo Protocol is the same as this one.

21 MR. TAVENNER: Counsel has not answered the
22 question.

23 THE PRESIDENT: Well, I suppose your Chinese
24 interpreter can tell you what signatures the document
25 bears.

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1 MR. TAVENNER: In view of the witness' answer,
2 it was only our desire that the record show the true
3 state of the document.

4 THE PRESIDENT: I understood the witness to
5 say the terms were demands signed by the person making
6 the demand. Is that so, Witness?

7 THE WITNESS: At that time, when this demand
8 was made to me, I was already in the hands of the
9 Japanese and they asked me to sign this. I signed it.
10 This was merely a play set up by the Japanese.

11 THE PRESIDENT: Does the document shown to
12 you bear your signature?

13 THE WITNESS: Yes. There were many signatures
14 I made in that past ten over years, but all those
15 signatures I made under duress, was under duress.
16 BY DR. KIYOSE (Continued):

17 Q It isn't that, Mr. Witness. The President
18 has asked you whether your signature appears on the
19 form of this document.

20 A That was right.

21 THE PRESIDENT: It is only a copy so that his
22 signature would only purport to appear.

23 DR. KIYOSE: Yes.

24 Q After you returned, Mr. Witness, from your
25 first visit to Japan, did you not issue a rescript

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1 to the effect "Instructions to the People on My Home-
2 coming," and was not this rescript prepared in accord-
3 ance with your own will and desire without any recommenda-
4 tion by the Council of State?

5 A That was shown to me after it was being pre-
6 pared and drafted by the National Affairs Bureau,
7 Japanese.

8 THE MONITOR: Slight correction for the trans-
9 lation of the question. Council of State should read
10 National Affairs Bureau.

11 Q In issuing such a rescript, were you given
12 directions by the National Affairs Bureau -- did you
13 give instructions to the National Affairs Bureau?

14 THE MONITOR: Or other parties or organizations?

15 A These matters were all in the hands of the
16 then General YOSHIDA and other Japanese officials in
17 the National Affairs Bureau and also Kwantung Army.

18 Q On your visit to Japan, Mr. Witness, was the
19 Japanese one HAYASHIDE, Kenjiro in your suite?

20 A Yes.

21 DR. KIYOSE: Here another book must be intro-
22 duced into the proceedings, Mr. President, and this is
23 by this Japanese, HAYASHIDE, Kenjiro, a travelogue
24 which he wrote as a member of the Emporer of Manchukuo's
25 entourage. In this book the Manchukuo Emporer's words

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1 are quoted as follows: "After my return to Manchukuo
2 I shall have a rescript issued in which I wish to
3 give directions to my people, and I also wish to order
4 my government to see to it that these directions are
5 carried out giving directions for the future of my
6 people."

7 THE PRESIDENT: Did you say that, Witness, as
8 the book states?

9 THE WITNESS: Well, during the time we were
10 traveling, the Japanese director of the General Affairs
11 Bureau had already told me what I should say when I
12 got into Japan.

13 CHINESE MONITOR: Told me that there will be
14 an Imperial Rescript after I got back to Manchuria.

15 THE PRESIDENT: Is that book written by a
16 Japanese, Dr. KIYOSE?

17 DR. KIYOSE: Yes, sir.

18 THE WITNESS: At that time, whatever state-
19 ment I was about to make was told to me by YOSHIOKA.
20 I had absolutely no freedom of speech.

21 BY DR. KIYOSE (Continued):

22 Q Where is this man YOSHIOKA now at the present
23 moment?

24 A How do I know that?

25 Q In other words, you mean you don't know?

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1 A I don't know.

2 Q At that time, Mr. Witness, you are said to
3 have declared to Baron HAYASHI, a member of the re-
4 ception party, that upon your return to Manchukuo
5 that you would do all in your power for the promotion
6 of good will and friendship between Japan and Manchukuo,
7 that you will make every effort to secure peace in
8 East Asia and to promote the general welfare of man-
9 kind, and that you wouldn't spare any efforts in pursuit
10 of these aims. Now, Baron HAYASHI is said to have
11 heard this -- Baron HAYASHI is said to have made this
12 remark quoting you to YOSHIOKA.

13 THE PRESIDENT: Mr. Travenner.

14 MR. TRAVENNER: If your Honor please, I think
15 we should object to the introduction of evidence based
16 on the statement of defense counsel.

17 THE PRESIDENT: Dr. KIYOSE, if we apply the
18 rule you could put to him only statements which he
19 made previously, not statements which somebody else
20 said he made previously. It seems to be desirable in
21 the interest of order and expedition that we do not
22 admit statements of that kind. You will be confined
23 to putting to him statements which he is said to have
24 made.

25 Dr. KIYOSE: Maybe there was a mistake in

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1 translation, your Honor. I was quoting the words of
2 the witness himself.

3 LANGUAGE ARBITER (Major Moore): If the Court
4 please, I beg the indulgence to object again to learned
5 counsel casting reflection on the translation. It does
6 no good and he always has the alternative of putting
7 another question if the translation is not proper.

8 THE PRESIDENT: Well, ask him simply if he
9 made that statement.

10 Q Then I repeat. Mr. Witness, did you not
11 state at that time that after your return to your
12 country that you would consolidate good will between
13 Japan and Manchuria -- Manchukuo, that you would make
14 every effort to secure peace in the Orient, that you
15 would do all in your power to promote the welfare of
16 mankind, and that you would resolve to spare no efforts
17 in the pursuit of these aims?

18 A I have already replied to you that whatever
19 statement I made to these people I was told to make
20 by the Kwantung Army and Japanese YOSHIOKA.

21 THE PRESIDENT: Is it worthwhile following
22 this up, Dr. KIYOSE, because the witness seems to take
23 the stand that if he made any statement of that kind
24 he was compelled to make it by the Japanese. You can
25 anticipate that that will be the answer to most of

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1 these questions, if not to all of them. Even if he
2 made that last statement it wouldn't appear to help you
3 very much.

4 Q I ask you, Mr. Witness, did you not -- did
5 you affix your signature to the rescript on instruc-
6 tions to your people on your homecoming to which I
7 have already referred?

8 THE MONITOR: Slight correction to be made.
9 Instead of "did you affix your signature" it should
10 read "did you accept."

11 A Yes, I accepted. I haven't finished my state-
12 ment yet.

13 THE MONITOR: Counsel said, "I am satisfied
14 with the present reply."

15 THE PRESIDENT: Well, he may add to his reply
16 if any explanation is necessary.

17 THE WITNESS: Ever since the establishment of
18 the so-called State of Manchukuo, on the surface what-
19 ever this state or this government did was in the name
20 of Manchukuo, the Manchurian people, but underneath
21 it was all done by the Japanese.
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1 DR. KIYOSE: Indeed, the witness has replied
2 as the President of the Tribunal advised him.

3 Q Now, Mr. Witness, when you made a visit to
4 Japan--

5 THE PRESIDENT: Now, I do not know what you
6 mean. I will give you an opportunity to explain
7 what you mean.

8 THE MONITOR: Correction, Mr. President:
9 Indeed, the witness has replied as you, Mr. President,
10 had told me to expect a little while ago.

11 DR. KIYOSE: I was merely paraphrasing your
12 remarks, Mr. President, that if I asked these questions
13 the witness would reply as you had warned.

14 Q Now, Mr. Witness, when you visited Japan, did
15 you not express what was deep in your heart, your real
16 sentiments, by composing poems?

17 A Well, I think I can give you a very concise
18 answer; that is, at that time when every Manchurian was
19 under the oppression of the Japanese, how could any one
20 of the Manchurians ever dare to scold them on the face?

21 Q Yes, indeed, with respect to various measures
22 to meet various situations, no doubt Japanese officials
23 have participated. However, in the composing of
24 classical poetry expressing your sentiments which
25 originate deep in your heart, these truly express your

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1 inner feelings, do they not?

2 A When I composed those poems it was but a kind
3 of entertainment. You cannot consider that as express-
4 ing my ideas or feelings deep in my heart.

5 DR. KIYOSE: Mr. President, may I be permitted
6 to quote to the witness a simple verse composed by
7 him, because they are very short verses?

8 THE PRESIDENT: You can, if the verse con-
9 tains a statement inconsistent with his present tes-
10 timony.

11 Q The first verse: "Having completed a long
12 voyage across an ocean whose tranquility is comparable
13 to the surface of a mirror, both countries shall
14 cooperate closely to consolidate forever the eastern
15 world."

16 The second verse: "A splendid cruise of
17 ten thousand miles cleaving the flying waves, Heaven
18 and earth are joined in a single expanse of blue.
19 This voyage is not meant only to view the beauties of
20 land and water; the friendly alliance of our two
21 countries shines as brightly as the sun and the moon."

22 A At that time Japan has already firmly estab-
23 lished its own foundation in Manchuria, and on the
24 surface of the poem I had to write something just to
25 make them happy. It cannot be taken very seriously.

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1 I don't blame you, being the Counsel for the defense.
2 Of course you would like me to distort the truth as
3 much as you wish. But facts are facts. I do not want
4 to argue with you.

5 THE PRESIDENT: I have already warned you,
6 witness, that you must be satisfied to answer questions,
7 simply, and that you must not make these discursive
8 remarks.

9 Dr. KIYOSE, you have a book, if not two books,
10 one a book of poems, to tender for identification.

11 Dr. KIYOSE: Yes.

12 THE PRESIDENT: The poem, I think, could be
13 marked as an exhibit.

14 Well, we will recess now for fifteen minutes.

15 (Whereupon, at 1045, a recess was
16 taken until 1110, after which the proceedings were
17 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Dr. KIYOSE.

4 DR. KIYOSE: I should like to tender the
5 book as evidence.

6 THE PRESIDENT: Not the whole book.

7 DR. KIYOSE: Yes, your Honor.

8 THE PRESIDENT: We had better clear up the
9 position about these books, Dr. KIYOSE.

10 DR. KIYOSE: I should like to tender five
11 passages quoted by me.

12 THE PRESIDENT: From which book?

13 DR. KIYOSE: I should like to tender in
14 evidence only those passages referring to this wit-
15 ness from the book written by HAYASHIDE, Kenjiro on
16 "The Travel in Company with the Emperor of Manchukuo."

17 THE PRESIDENT: I suppose he admitted having
18 said those things. Rather, an admission could be
19 deduced from what he said. That is a matter of con-
20 struction.

21 That is admitted subject to the usual terms.

22 CLERK OF THE COURT: From a book tendered
23 by defense, poems on the first page marked exhibit
24 281-A; the second, 281-B; page 14, 281-C; page 197,
25 281-D; page 199, 281-E.

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1 (Whereupon, defense's exhibits
2 281-A through 281-E, inclusive, were received
3 in evidence.)

4 BY DR. KIYOSE (Continued):

5 Q May I inquire, Mr. Witness, whether Lieut-
6 enant General YOSHIOKA accompanied you on your first
7 visit to Japan?

8 A Yes.

9 Q In the last page of this book, Mr. Witness,
10 there is a list of the members of your entourage.
11 In that list I cannot find his name. Did he come
12 in your party outside of your entourage -- your
13 official suite?

14 A He was then the Chief of Staff to the --
15 he was then representing the Japanese Kwantung Army,
16 not as any official of the Manchukuo State.

17 Q Mr. Witness, was Lieutenant General YOSHIOKA
18 present when you made the statement I referred to a
19 little while ago and when you composed the poems
20 which I quoted?

21 A I cannot recall whether or not General
22 YOSHIOKA was then there, but he did give me a memo-
23 randum showing the scope of statements to be made by
24 me.

25 Q Now, Mr. Witness, if General YOSHIOKA had

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1 not been aboard the battleship Hiei in company with
2 you, he could not have passed on these notes to you.

3 A Whatever statement I made at that time was
4 instructed to be by General YOSHIOKA at Changchun; and
5 from time to time, when it was necessary, General
6 YOSHIOKA handed to me a piece of paper, and I never
7 went out of that scope.

8 Q Was General YOSHIOKA on the same battle-
9 ship with you?

10 A Yes.

11 Q Was there one by the name of KUDO, Chu
12 in your entourage?

13 A Yes.

14 Q This person is said to have been very
15 loyal to you, Mr. Witness, and that, although his
16 first name previously had been Tetsusaburo, that you
17 had renamed him "Chu" because of his loyalty; is that
18 right?

19 A He was then a long resident in China, and
20 he liked very much to have a Chinese name, and he
21 liked to be known as a Chinese; so, at that time,
22 he asked me to give him a Chinese name. I gave him
23 the "Chu", the Chinese word.

24 Q Whatever that may be, Mr. Witness, do you
25 affirm the fact that he was loyal to you?

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1 THE PRESIDENT: What is the point of this
2 cross-examination, Dr. KIYOSE?

3 DR. KIYOSE: I felt that what is written
4 in this book could be confirmed later on by KUDO,
5 himself.

6 THE PRESIDENT: Well, you are not going to
7 put any statements that KUDO attributes to him, are
8 you?

9 DR. KIYOSE: At any rate, I shall withdraw
10 the present question.

11 Q The author of this book, HAYASHIDE, Kenjiro,
12 may I ask with reference to him, did he not also serve
13 as interpreter aside from being a member of your en-
14 tourage?

15 THE MONITOR: When you visited Japan.

16 THE PRESIDENT: Again, what is the point of
17 that?

18 DR. KIYOSE: If HAYASHIDE had been an
19 interpreter of this witness, he would know what the
20 witness said at that time. Aside from the poems,
21 the subject matter of the book were all penned by
22 HAYASHIDE, as we heard from the witness.

23 THE PRESIDENT: Only the five passages are
24 in evidence, and there is no contest about them.
25 There is no need to establish now that they were

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1 said. That is admitted, as I understand the wit-
2 ness' answers.

3 I don't think the prosecution contests it.
4 If they do, they can reexamine on it.

5 DR. KIYOSE: Then I will turn to my next
6 question.

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BY DR. KIYOSE (Continued):

Q With reference to your second visit to Japan, Mr. Witness, you testified the other day in your direct examination that you brought back a mirror, or two out of the three **Imperial** treasures preserved by the Japanese Imperial Palace. Did you bring back the treasures which had been preserved from ancient times, or replicas thereof?

THE PRESIDENT: He brought back symbols, and the age of those symbols or their identity with any other symbols is hardly material, but let him answer the question.

A I was told that they were replicas, but whether it is true or not, I don't know. Whatever it may be, whether it is real symbols or replicas, the fact remains that they want to impose this Shintoism on the Manchurian people.

Q Other matters with respect to this matter you have already testified. Now, Mr. Witness, may I ask whether or not this mirror was embodied or enshrined in the national or state foundation shrine, and was this shrine erected within the Imperial Household?

A Yes. This was by order of General UMEZU and General YOSHIOKA.

Q You stated, Mr. Witness, that after you had

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1 this shrine established, a law had been passed to have
2 the subjects of your country worship it. What sort of
3 law was passed?

4 A The law was then like this: it provided that
5 whoever is found to have not worshipped this Shintoism
6 or this temple, showing disrespect, will be punished for
7 not less than a year.

8 CHINESE MONITOR: Will he be confined for not
9 less than a year.

10 Q If this is a case of lese majeste, then a
11 penalty was applied. But was the worship of this shrine
12 forced upon the people?

13 THE MONITOR: Was there anything stated to
14 that effect?

15 THE PRESIDENT: The witness has made himself
16 sufficiently clear about this.

17 Q Was not all religions -- was there not freedom
18 of religion, for all religions in Manchukuo guaranteed?

19 A There were a few -- many religions in Man-
20 churia. Of course, the Japanese couldn't get rid of
21 all these other religions immediately, but I was told
22 by General YOSHIOKA that they would in time come to
23 extinguish the other religions and only let the religion
24 of Shintoism prevail. All the students and the Army
25 soldiers were compelled to worship Shintoism, and shrines

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1 were set up in schools and army headquarters -- army
2 quarters. I think you, yourself, would readily under-
3 stand what is the meaning of all this, and this, of
4 course, would be construed as a sort of religious in-
5 vasion.

6 Q The last remark of yours, Mr. Witness, is
7 an argument. Now, when you visited Japan did some-
8 body speak to you or lecture to you on the religion
9 of Japan?

10 THE MONITOR: Your last remark was your own
11 opinion. Correction.

12 A With reference to my trip to Japan to effect
13 the Amaterasu Omikami, YOSHIOKA told me this was by
14 order of General UMEZU. He also told me that this
15 was being decided by the Japanese Government; it has
16 been the Japanese Government's fixed policy, and it
17 cannot be altered.

18 Q This testimony has already been given in
19 the direct examination. I am not inquiring about
20 that. With respect to religion, Mr. Witness, do you
21 not know that the religion of a vast majority of the
22 Japanese people is Buddhism?

23 A Well, as far as I know, the situation was
24 like this: once, General YOSHIOKA got a Japanese to
25 lecture to me the Japanese religion, and this Japanese

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1 drew a tree and indicated to me that the trunk of the
2 tree is the Japanese Shintoism, and the branches are
3 the different kinds of religion, such as Buddhism,
4 Christianity, and others. YOSHIOKA also explained
5 that the human beings all the world over were derived
6 from this trunk.

7 Q I am not talking about -- asking you what
8 YOSHIOKA told you. I am asking you, since you have
9 been here twice and met many Japanese, whether or not
10 you know that the religion of the vast majority of
11 the Japanese people is Buddhism?

12 A That is all what I know about this Shintoism.
13 Of course, there are many Buddhist temples in Japan.

14 Q Mr. Witness, what is your religion -- your
15 religious belief?

16 A I, myself, don't have any religion.

17 Q I shall terminate questions with reference to
18 religion. In the course of your direct examination,
19 Mr. Witness, you testified that General YOSHIOKA had
20 poisoned your wife. Now, we have been having difficulty
21 in understanding whether or not you meant that she had
22 been killed because of lack or too few glucose injections,
23 or whether some other poison had been administered
24 on her. Will you make this clear?

25 A She was then quite young and strong. When

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1 she was under the care of a Chinese doctor, the doc-
2 tor's opinion was that the ill was not serious at all;
3 but when she was put under the care of the Japanese
4 doctor she was not given the glucose injections as
5 she ought to be, and during that night YOSHIOKA was
6 having a secret conference with the doctor for three
7 hours. The next morning she died, and throughout that
8 night YOSHIOKA was living in my place, and he had
9 frequent conversations with the Japanese gendarmes and
10 the nurses. As soon as he was informed that the
11 patient died he left immediately. According to the
12 advices of the Chinese doctors, the sickness was not
13 so serious at all, and she would never succumb to death.
14 A month later he show me these pictures of the Japanese
15 girls. It was then everything was made plain to me.

16 THE MONITOR: (To Dr. KIYOSE) Just a minute,
17 please.

18 DR. KIYOSE: Mr. President, this witness
19 has already stated in the course of his examination
20 what he has just stated.

21 Q Now, I am asking you, Mr. Witness, whether
22 you had come to the conclusion, in the light of the
23 circumstances, that your wife had been poisoned or
24 whether you had seen or heard of a specific poison used
25 on her? I am satisfied whether you answer this question

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1 yes or no,. I am not trying to press you.

2 THE PRESIDENT: You cannot answer it yes or
3 no.

4 Q In the course of your direct examination you
5 stated that your wife had been poisoned. Now, I am
6 asking you whether you mean that a specific poison had
7 been administered upon her, or whether you had come to
8 the conclusion that poison had been administered upon
9 her because of the surrounding circumstances -- the
10 appearances of Japanese physicians, gendarmes, and so
11 forth?

12 Now, shoving aside that question, may I ask
13 you, Mr. Witness, what are the names -- what were the
14 names of the Manchurian and Japanese physicians who
15 were in attendance at that time?

16 A That Japanese doctor was recommended by
17 YOSHIOKA, whose name I do not know.

18 THE PRESIDENT: We will adjourn now until
19 half past one.

20 (Whereupon, at 1200, a recess
21 was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

- - -

HENRY PU-YI, called as a witness on behalf of the prosecution, resumed the stand and testified as follows:

THE PRESIDENT: Dr. KIYOSE, perhaps I could put those questions you were asking the witness.

BY THE PRESIDENT:

Q Witness, do you suggest the Japanese doctors killed your wife by withholding glucose?

A The fact that he didn't give enough glucose injections coupled with the circumstances I had described in the morning gave me the impression that it was this Japanese doctor who had poisoned her.

Q Do you suggest the Japanese administered poison to her?

A Of course, I being a layman could not tell what kind of poisonous injections the doctor had administered, but circumstances justify me in thinking that way.

Q Have you told us all the circumstances?

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1 A Yes.

2 THE PRESIDENT: Well, that should be
3 sufficient, Dr. KIYOSE.

4 DR. KIYOSE: Yes.

5 BY DR. KIYOSE: (Continued)

6 Q The last question this morning, Mr. Witness,
7 was with respect to the name of the attending physi-
8 cians. You said that you do not recall the name of
9 the Japanese physician. Now what was the name of
10 the Manchukuo physician?

11 THE PRESIDENT: It will not help us to know
12 the name.

13 Q When you speak, Mr. Witness -- I withdraw
14 that question.

15 DR. KIYOSE: I felt, Mr. President, that the
16 application of not enough glucose injections and
17 other such circumstances would have been useful in
18 ascertaining the point in question if the name of the
19 doctor were known.

20 THE PRESIDENT: He has told us all he knows,
21 so he says. That is sufficient.

22 Q Mr. Witness, when did you discover that
23 your wife had been poisoned?

24 THE PRESIDENT: We do not require to hear
25 any more of this alleged poison. We are very much

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1 concerned about the time spent on useless cross-
2 examination.

3 Q In the course of your direct examination,
4 Mr. Witness, you said that Ling Sheng, Governor of
5 Hsingan Peh Province, had been shot for a statement
6 he had made at a conference of provincial governors
7 as an instance of the lack of freedom of speech in
8 Manchukuo.

9 THE MONITOR: Slight correction: The word
10 is "killed" rather than "shot."

11 Q (Continuing): Mr. Witness, are not these
12 the true facts with respect to Ling Sheng; that he
13 and his private secretary Hua Lin-tai were formally
14 indicted on the charge of having given military
15 information to a Soviet espionage agent by the name
16 of Anton Press and also to two Outer Mongolians by
17 the name of San-pa and Tan-pa, and that they were
18 punished after they were duly tried for the offense.

19 THE PRESIDENT: Dr. KIYOSE, you could have
20 asked that question simply by saying: "Weren't
21 Ling Sheng and his private secretary shot after a
22 proper trial for giving military information to the
23 Russians and the Mongolians?"

24 We must insist on your not putting all this
25 unnecessary preliminary matter into your questions;

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1 and we must also insist on your questions being short.
2 At the present rate, this trial will take years to
3 complete. If you do not observe the instructions
4 of the Tribunal about questions, we will have to
5 take some drastic action to insure that time is not
6 wasted.

7 BY THE **PRESIDENT**:

8 Q Witness, answer this question: Were Ling
9 Sheng and his private secretary shot after a proper
10 trial for giving military information to the Russians
11 and the Mongolians?

12 A At that time the courts in Manchuria were
13 being organized and controlled by the Japanese who
14 were taking orders from Japanese Kwantung Army and
15 whoever was found to have made any patriotic speech
16 will be punished or considered guilty and they always
17 take this pretext to kill these people. Many people
18 were killed simply because they fabricated stories --
19 the Japanese fabricated the stories.

20 BY DR. KIYOSE (Continued):

21 Q May I take your answer, Mr. Witness, to be
22 that he was shot after he had been tried?

23 A The court trial was but a formality. They
24 were taking orders from the Japanese Kwantung Army.

25 Q With reference to your interview with Woodhead

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1 in October, 1932, was it not true that at that time
2 ITAGAKI was Chief of the Special Service Section
3 of the Army in Mukden and was not in Hsinking?

4 A ITAGAKI came to Mukden -- came to Hsinking
5 from time to time and it was he who told me what
6 to say during these interviews.

7 Q When you speak of the Japanese side, are
8 you referring to ITAGAKI or somebody else?

9 A Yes.

10 Q Do you recall, Mr. Witness, that at the
11 time Lord Lytton arrived in Hsinking the liaison
12 official between the Kwantung Army and the Manchurian
13 Government was not ITAGAKI but MATSUI, Takuro?

14 A The duties of Liaison Officer is just to
15 keep contacts between the two parties, but the major
16 policies were made by the Kwantung Army Headquarters.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If the Court please, may I
19 refer to the previous question in which it is quite
20 apparent that the witness did not understand the
21 question or that there was an error in translation.
22 The question referred to a statement by ITAGAKI or
23 someone else. The witness answered "yes", which, of
24 course, is not an answer to the question.

25 THE PRESIDENT: Actually, whatever answer he

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1 gives will not help us greatly. If I understand
2 the position, the question is whether the witness
3 was an Emperor in substance or was a mere shadow
4 for the Japanese. We have already heard enough to
5 make up our minds one way or the other about that.
6 All this cross-examination, as far as I could judge,
7 is so much waste time. If there was any likelihood
8 that further cross-examination would induce us to
9 change our minds, well, we would be only too happy
10 to hear it.

11 DR. KIYOSE: Mr. President, there are a
12 few matters which I feel that the Court is not aware
13 of and does not know. May I beg the Court for its
14 patience for just a short time?

15 Q Going back to the time that you were still
16 in Port Arthur, Mr. Witness, is it true that a
17 Manchurian by the name of Hsi-Sia sent you two hundred
18 thousand yuan and asked you to come to Kirin Province?

19 A No, I do not know. It was then Lo Cheng-yu
20 who was handling all these matters. All those things
21 were their own personal activities. I heard that once
22 Lo Cheng-yu went to Kirin, but what he did there I do
23 not know. It was purely his own personal activity.
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1 Q On December 8, 1941, namely, the day on
2 which the Pacific War broke out, did you not, Mr.
3 Witness, issue a rescript saying that Manchukuo
4 will do all in its power to support her ally, namely,
5 Japan?

6 A All those were told to me by the five vice
7 ministers of the ~~five~~ ministries and General YOSHIOKA.

8 CHINESE MONITOR: Correction please: The
9 Chinese officials under the Manchukuo State were
10 advised to that effect by the five Japanese vice
11 ministers of the five ministries, together with the
12 Director of the General Affairs Bureau. I was ad-
13 vised by General YOSHIOKA to that effect. YOSHIOKA
14 also told me that it was being decided by the
15 Commanding General of the Japanese Kwantung Army.
16 That was General UMEZU.

17 Q However, Mr. Witness, you do confirm the
18 fact that it was issued in the name of the Emperor
19 of Manchukuo?

20 A But do you deny that the Manchukuo Emperor
21 and the Manchukuo officials are not puppets?

22 Q That is not an answer, Mr. Witness, when
23 you speak of what five ministers of the five departments
24 said. I am asking you whether or not this rescript
25 was issued by you in your name as Emperor of Manchukuo?

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1 A Yes, surely, all the rescripts were issued
2 in my name as Emperor, but this has been like this
3 ever since I became the Emperor of Manchukuo. Of
4 course, in our hearts we objected to this, but under
5 the oppression of the Japanese what else could we do?

6 THE PRESIDENT: We have been getting just
7 that type of answer for days. Why provoke any more?

8 DR. KIYOSE: By the witness' reply, Mr.
9 President, I at least understand now that the re-
10 script was issued.

11 Q Now, turning to another question, Mr. Wit-
12 ness, you testified that food, cotton and other ar-
13 ticles were placed under control. Were these not so
14 placed under control as emergency war time measures?

15 A This was because they take Manchuria as
16 their military **bases** so as to further their other
17 aggressive desires.

18 Q I should like to know, Mr. Witness, whether
19 your reference to the economic question of Manchuria,
20 as you testified, refers to the time before the
21 8 December 1941 or after that date.

22 A They have been harboring these aggressive
23 ideas long before they took the action. Of course,
24 in order to make it into a military base they would
25 have to exploit this area long before that, they

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1 take China and prepare to take Russia and other
2 areas. This aggressive warfare was progressing step
3 by step.

4 Q My question is, Mr. Witness, whether your
5 reference to economic control was that which was
6 applied after December 8, 1941.

7 THE PRESIDENT: The time of application in
8 relation to the 8 December 1941 is quite immaterial.

9 Q On August 20, 1945, at the time you arrived
10 at the airfield in Mukden, did you not meet Japanese
11 INABATORAU, Adjutant of the Liaoning Army Public
12 Safety Headquarters?

13 A There were a few Japanese, but whose name
14 I do not know.

15 Q Did you not tell this Japanese that you
16 were thankful to the Emperor of Japan and the
17 Japanese people, but everything did not turn out
18 as you had desired?

19 A I never know this Japanese and I never
20 recall that I had made any statement to that effect.

21 Q YOSHIOKA accompanied you on the same
22 plane, that is the same airplane. Now, until when
23 did YOSHIOKA accompany you?

24 A YOSKIOKA accompanied us in the middle of
25 the way. He was being pointed out to be a Japanese,

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1 so he was dropped off. We asked the Soviet guards
2 to separate us from him.

3 Q Did you separate at Khabarovsk or before
4 you got there.

5 A Before we got to Khabarovsk.

6 DR. KIYOSE: That is all.

7 CROSS EXAMINATION (Continued)

8 BY MR. T. OKAMOTO:

9 Q There was in your family a tutor by the name
10 of Johnston, Mr. Witness. Did not this man leave
11 Tientsin for his home country in September, 1930;
12 that is, his home country, England?

13 A Yes, he went back to England.

14 Q Do you recall the fact that as a token of
15 farewell you gave this tutor of yours a fan as a gift?

16 A That is being so trifling a matter and so long
17 ago, I can't remember.

18 MR. T. OKAMOTO: Then I ask you, Mr. Presi-
19 dent, in order to refresh the memory of this wit-
20 ness with respect to this fan, I should like to show
21 him Johnston's book, which has a picture of this
22 fan. Can I do that, sir?

23 THE PRESIDENT: Well, what is the point of
24 it all? You are going into great detail. Who
25 could remember giving a fan to anybody so many years

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1 ago?

2 MR. T. OKAMOTO: May I explain, sir?

3 THE PRESIDENT: You can hardly test his
4 credibility effectively in that way.

5 MR. T. OKAMOTO: On the face of this fan,
6 on which are scribbled some calligraphy, is a Chinese
7 poem written by the witness and that is so stated
8 in the caption for the picture, which says, "Fan
9 presented to the author by the Emperor, autographed
10 copy." I would like to know whether this is in the
11 witness' own handwriting.

12 THE PRESIDENT: Well, it depends upon what
13 is in the statement whether it is important. Does
14 it contradict anything he said here?

15 MR. T. OKAMOTO: It isn't the subject
16 matter of the writing, but the handwriting itself.

17 THE PRESIDENT: Well, I don't think he
18 should be allowed to put it. Do you want to compare
19 the handwriting with any other handwriting?

20 MR. T. OKAMOTO: Yes, I do, sir, inasmuch
21 as I don't know when the witness would be recalled
22 again here, and so I would like to do that now.

23 THE MONITOR: Also that is one of the things
24 I would like to do here.

25 THE PRESIDENT: His handwriting is not in

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1 issue yet, nor is there any suggestion that it will
2 be. You cannot anticipate in those circumstances,
3 otherwise you would be establishing things purely
4 hypothetical.

5 MR. T. OKAMOTO: Document No. 278 has already
6 been presented for identification. The witness has
7 denied this and I am trying to show not only whether
8 it was written by the witness --

9 THE MONITOR: Not only is this in the witness'
10 handwriting, but he has also written the content it-
11 self.

12 MR. T. OKAMOTO: I think I can prove this
13 point with the picture of the fan in the book.

14 THE PRESIDENT: You cannot prove handwriting
15 by producing two contested pieces of writing. You
16 must have one that is genuine and compare it with
17 one which is questioned. Does he purport to sign
18 that fan?
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1 MR. T. OKAMOTO: Here it states "Autograph."
2 I would like to have the Court see this book before
3 presentation to the witness.

4 THE PRESIDENT: Is it claimed that he signed
5 exhibit 278?

6 MR. T. OKAMOTO: Yes, that is claimed by the
7 accused, but it is denied by the witness.

8 THE PRESIDENT: Well, in the circumstances
9 you may show him this fan.

10 (Whereupon, a document was handed to
11 the witness.)

12 Q Mr. Witness, do you recall ever seeing that
13 fan?

14 A Yes, the poem on the fan was copied from
15 the old poem written in T'ang Dynasty.

16 Q Whose handwriting is that in the picture?

17 A That was my own writing I copied from the
18 poem.

19 MR. T. OKAMOTO: May I request the Court's
20 permission to show this witness document as already
21 submitted for identification 279, which is namely a
22 preface written by the same author?

23 THE PRESIDENT: Well, you had better tender
24 that fan first. Tender the page of the book con-
25 taining the fan. You will not be able to tender the

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1 letter until some witness goes into the box and says
2 the writing is the same on the letter as it is on the
3 fan, and that means you must wait until you are
4 giving evidence.

5 MR. T. OKAMOTO: Then I shall tender the pic-
6 ture for purposes of identification. It is opposite
7 page 448.

8 THE PRESIDENT: Admitted.

9 DEPUTY CLERK OF THE COURT: Defense document,
10 page 448, fan opposite thereto, will be marked exhibit
11 No. 282.

12 (Whereupon, the document above referred
13 to was marked defense exhibit No. 282, and was
14 received in evidence.)

15 MR. T. OKAMOTO: The words in the picture,
16 Mr. President, are in Chinese. Will you give direc-
17 tions with respect to translation and processing
18 thereof?

19 THE PRESIDENT: Well, I take it the usual
20 course will be followed. There is no need for me to
21 give any direction. I understand that there is no
22 signature on that fan. That would not matter. The
23 document will be available to the defense and the prose-
24 cution for translations.

25 MR. T. OKAMOTO: As I have already requested

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1 of the Court, sir, I should like to present to the
2 witness the preface of the book already tendered for
3 identification, the number of which is 279, inasmuch as
4 the witness a few days ago said that it bore his name
5 but that it had been written by Cheng Hsiao-hsu.

6 THE MONITOR: Therefore, I would like to show
7 this book to the witness once more. May I?

8 THE PRESIDENT: No, you cannot do that. But
9 you can call a witness to prove, if you can, that the
10 preface was written by him, judging from what appears
11 on the fan.

12 MR. T. OKAMOTO: I did not say that, sir, for
13 that purpose. I meant to say that the witness has
14 already recognized and affirmed the fact that the
15 preface was written by Cheng Hsiao-hsu, and I would
16 like to have him confirm also the seal of the Emperor
17 Hsuan-tung -- That is not the meaning of what I said.
18 I said that in so far as the preface is concerned, the
19 counsel for the accused recognizes that it was written
20 by Cheng Hsiao-hsu. But I should like to show the
21 sign, Imperial sign and manual of the Emperor Hsuan-
22 tung to the witness.

23 THE PRESIDENT: If he has not already an-
24 swered, you may put it to him. I do not recollect
25 his answering that.

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1 MR. T. OKAMOTO: He has not yet replied.

2 THE PRESIDENT: Show him the preface.

3 Q Is the Imperial sign and manual on the picture
4 in the preface your seal, Mr. Witness?

5 A I used to have many seals, and sometimes
6 Cheng Hsiao-hsu took some of them and brought out of
7 the palace. Some of these seals might have been fixed
8 by Cheng Hsiao-hsu without my knowledge.

9 LANGUAGE SECTION CHIEF: Correction: It
10 should be "affixed."

11 THE PRESIDENT: But is that your seal and sign
12 manual, witness?

13 THE WITNESS: I want to point out this preface
14 was not written by me, and also the fact that sometimes
15 Cheng Hsiao-hsu used my chop and affixed to some of
16 these writings he wrote. Of course, I cannot be re-
17 sponsible for acts committed by Cheng Hsiao-hsu.

18 THE PRESIDENT: I want him to answer the
19 question.

20 MR. KEENAN: Mr. President, if the Court will
21 indulge me, I am going to point out something I think
22 has to be done. My associates inform me that the wit-
23 ness has said, "Yes, this is my seal," and it has not
24 been translated. It would seem offensive to the
25 Court if--

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1 THE PRESIDENT: Well, for very good reasons
2 I do not want to question the interpretation yet. But
3 I will ask the question again, and the interpreters
4 will carefully listen to the answer.

5 Witness, is that your seal and sign manual on
6 the preface?

7 THE WITNESS: That preface was written by
8 Cheng Hsiao-hsu, and that seal might have been in the
9 possession of Cheng Hsiao-hsu.

10 THE PRESIDENT: Witness, you must answer this
11 question. Is that seal and sign manual on the preface
12 yours?

13 THE WITNESS: The preface, I repeat, was not
14 written by me -- was not signed by me, and the seal
15 was not mine. It was in Cheng Hsiao-hsu's possession.

16 THE PRESIDENT: We will recess now for fifteen
17 minutes.

18 (Whereupon, at 1450, a recess was taken
19 until 1505, after which the proceedings were
20 resumed as follows:)
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1 MR. T. OKAMOTO: I am not trying to press
2 the witness on this question. When Chief Prosecutor
3 Keenan stood up a while ago, he said the witness had
4 said that it was his seal; but, according to the Eng-
5 lish translation just rendered, he said "It was not
6 mine." I would like to have this point clarified.

7 LANGUAGE ARBITER (Major Moore): Mr. Presi-
8 dent.

9 THE PRESIDENT: Major Moore.

10 LANGUAGE ARBITER (Major Moore): After a
11 conference with the interpreters and monitors, we
12 have tried to get the witness' answer. "The hand-
13 writing is not mine. The seal bears my name, but I
14 do not know whether it is mine or not."

15 MR. KEENAN: Mr. President, since reference
16 has been made to my statement, I would like to in-
17 inquire of this Court if we do have monitors for
18 this Chinese translation. I am informed to the
19 contrary. Secondly, I wish to inform this Court,
20 with great respect, that my associate, Judge Hsiang,
21 Associate Prosecutor from the Government of China,
22 and his assistant, Mr. Chiu, both informed me at the
23 trial table that there had been an error; that this
24 witness said in his first answer, "yes, this is my
25 seal."

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1 Now, Mr. President, whether or not these
2 matters of translation bring up irritations, I very
3 greatly regret; but I think we will all recognize
4 the importance, with language difficulties, of not
5 placing a witness in a false light. If he has made
6 an answer "yes," **and there has been an error**, it is
7 vital to his credibility. So, with great respect,
8 I bring that to the attention of this Court to see
9 if we do have monitors. If not, I think we should
10 have one for each side, the same as with the Japan-
11 ese.

12 THE PRESIDENT: If a dispute arises about
13 translations, our only recourse is to refer the
14 matter to our experts; and our highest expert is
15 Major Moore who is the chairman of referees. He has
16 now given what he thinks the witness said. That
17 will be the end of the matter.

18 As to getting monitors, I have appealed to
19 General MacArthur for Chinese interpreters. I told
20 him we wanted three, and I suggested he might get
21 them from Shanghai. Today, General MacArthur wrote
22 to me saying how difficult it was to get Chinese
23 interpreters; but he sent along his own interpreter
24 to assist us, and that interpreter is now at the
25 table. General MacArthur is now endeavoring to get

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1 interpreters for us.

2 The lack of interpreters is causing great
3 delay. But, apart from that, there is a lot of
4 delay about points that amount to nothing eventu-
5 ally.

6 MR. KEENAN: Mr. President, I am informed
7 that the chief of the monitors, the learned and able
8 Major Moore, is not at all familiar with the Chinese
9 language.

10 THE PRESIDENT: As chairman of the board of
11 referees on which there are experts, he, too, is an
12 expert. I am not sure how expert he is in Chinese.
13 I would not know.

14 MR. KEENAN: He says he does not speak it
15 at all, Mr. President.

16 Mr. President, I have no desire to press
17 this matter further. I believe it is a matter that
18 should be taken up in Chambers, but one which, I
19 still think, with great respect, is apt to lead to
20 confusion and to worse than confusion: to matters
21 that might vitally affect issues in the case. I
22 beg the Court's pardon for taking its time, but I
23 think I shall request defense counsel to meet on
24 it so that we could have the matter clarified at the
25 proper time.

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1 THE PRESIDENT: The Tribunal is doing all
2 in its power, and has done all in its power since it
3 was constituted, to provide efficient interpreters.
4 None of us has any reason to doubt the efficiency
5 of the gentlemen who are interpreting in this Court
6 now.

7 Major Moore.

8 LANGUAGE ARBITER (Major Moore): Mr. Presi-
9 dent, since my qualifications have been called in
10 question, I hope the Tribunal will indulge me in
11 saying that I have had thirty years of experience
12 in oriental question and answer; and it is an es-
13 tablished fact that an oriental, when pressed, will
14 dodge the issue.

15 THE PRESIDENT: Major Moore, you must come
16 to the lectern again. Has your experience been in
17 Chinese as well as Japanese? Do you speak Chinese?

18 LANGUAGE ARBITER (Major Moore): No, sir.

19 THE PRESIDENT: Well, now, Major Moore, you
20 said a thing which you should not have said. It is
21 quite beyond your province to comment on the nature
22 of evidence given by orientals; and I ask you to
23 withdraw that comment.

24 LANGUAGE ARBITER (Major Moore): With all
25 due respect to this Tribunal, sir, I apologize for

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1 my remarks. I was pressed.

2 JUDGE HSIANG: That is what I was going to
3 demand. I think it is quite a gratuitous charge
4 against the oriental people. I disagree with his
5 understanding of the oriental mind.

6 As to the translation, if I may be per-
7 mitted to make one remark, I have no question and
8 no doubt about the proficiency of Chinese as well
9 as English of the two translators -- the Chinese
10 translators and others. But, there are moments
11 when matters touching many angles, in the course
12 of translation at the very moment, one word or two,
13 one phrase or two are left out which are vitally
14 important. The translators have no mind to do that.

15 If either one of us may be put to that
16 test, I am sure I could not say I could always give
17 every word, every phrase of the meaning. I don't
18 believe I have that ability without years and years
19 of experience such as those translators had in the
20 international tribunals and international confer-
21 ences -- those professional translators.

22 THE PRESIDENT: Mr. Hsiang, it is useless
23 to carry this debate any further. We must be guided
24 wholly by our interpreters and our language section,
25 generally; but, we will bear in mind what you have

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1 said.

2 JUDGE HSIANG: Mr. President, for reasons
3 stated above, I made the proposals several times to
4 the Chief Prosecutor about proposing formally to
5 have monitors appointed. That is all.

6 MR. KEENAN: Mr. President, I desire to
7 bring a point of order of the greatest importance
8 before this Tribunal at this time. Every accused in
9 the dock is a Japanese national and an oriental, as
10 we know them. And this trial, Mr. President, as
11 we all know, is no mere gesture. We wanted a fair
12 trial, and the prosecution wishes no one to act in
13 an allegedly impartial position towards the accused
14 who carries the notion that orientals have the in-
15 variable habit of dodging the issue.

16 THE PRESIDENT: Major Moore's statement was
17 withdrawn, and he apologized. Whether any further
18 action is to be taken by the Tribunal is a matter
19 for the Members to decide when we discuss the ques-
20 tion among ourselves outside the court. In the
21 meantime, I think I can safely say on behalf of every
22 Member of the Court that we do not share Major
23 Moore's view.

24 MR. T. OKAMOTO: As an oriental, Mr. Presi-
25 dent, I appreciate your remarks.

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1 BY MR. T. OKAMOTO (Continued):

2 Q Mr. Witness, you just testified that the
3 present seal was used by Cheng Hsiao-hsu freely on
4 his own. Now, how many seals did you possess?

5 THE MONITOR: Slight correction: You
6 testified that Cheng Hsiao-hsu may have used that
7 present seal.

8 A I cannot say very accurately. Most prob-
9 ably, I had two hundred pieces. I had made them
10 from time to time.

11 Q In 1931, Mr. Witness, about how many gold
12 seals did you have?

13 A I didn't have any.

14 Q As subjects, Mr. Witness, you employed
15 such men as Cheng Hsiao-hsu and Lo Ting-yu. Now,
16 were they free to use your seals?

17 A They might have used this seal. Of
18 course, I cannot tell you exactly because I do
19 not know what really they did.

20 Q Then, Mr. Witness, does that mean that
21 you gave authority to Cheng Hsiao-hsu and Lo Ting-
22 yu to use your seals?

23 A No, never. I never gave them any authority
24 on that.
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1 Q You may not have given such an order or authori-
2 zation, but after these seals were applied did you ever
3 object or protest to that order to accept -- correction:
4 have you ever protested or denied such action?

5 A Of course, when I discovered that they had
6 used my seals privately, I expressed dissatisfaction,
7 and also told them not to use them any more.

8 Q Now, with reference to the seal on the
9 preface in Johnston's book, did you protest to Cheng
10 Hsiao-hsu when you saw your seal affixed?

11 THE MONITOR: Slight correction: Did you
12 express any words of reprimand to Cheng Hsiao-hsu?

13 A Yes, when I discovered that I told Cheng
14 Hsiao-hsu to be more careful in the future. Actually
15 that seal was mine. He just used that without my
16 authority.

17 Q Do you know, Mr. Witness, that this book
18 written by Johnston is dedicated to you?

19 MR. KEENAN: I object to the question as
20 being without the proper scope of cross-examination.

21 THE PRESIDENT: The objection is upheld.

22 Q Then, Mr. Witness, there is no mistake in your
23 testimony that you have read Johnston's book, and that,
24 inasmuch as references are made to your life in Peking,
25 the accounts are accurate?

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1 A I had never the occasion to read the whole
2 book, but I only read the translated copy of it, which
3 you know is about that section describing my life in
4 Peiping, because Johnston was living with me at that
5 time. So I think he gave me a fairly correct de-
6 scription. As to Tientsin -- as to the section de-
7 scribing my life in Tientsin, it merely -- he merely
8 wrote out from what he learned from friends. Of course,
9 Johnston in writing that book was responsible only to
10 himself -- not to anybody else, and I shall not be
11 held responsible for what Johnston wrote, too.

12 Q Now, how long has Cheng Hsiao-hsu been in
13 your household or in your employ, how many years?

14 A He was with me -- along with me -- all the
15 time when I was in Peiping. He was apart from me while
16 I was in Tientsin, and later he came back again.

17 Q During your Peiping days was not Cheng Hsiao-
18 hsu the director or minister of your inner-household?

19 A Yes.

20 Q At that time was not Cheng Hsiao-hsu free to
21 use your seals?

22 A He had the seals, but whether he used them
23 privately or not, that I cannot tell since I do not
24 know.

25 Q Whether you know or not, Mr. Witness, was not

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1 he, Cheng Hsiao-hsu, in authority to use it in the
2 light of his position in your household?

3 MR. KEENAN: Mr. President, we object. We
4 believe the question is going into collateral matters
5 quite far from the issues, and is too far separated
6 from any testimony of this witness as to be of value
7 in testing his credibility.

8 THE PRESIDENT: The question is repetitive.
9 He has already answered more than once, in effect,
10 that he did not give authority for the use of the
11 seal in that preface.

12 The objection is upheld.

13 Q Who made Cheng Hsiao-hsu Prime Minister of
14 Manchukuo?

15 A At that time Cheng Hsiao-hsu showed me a
16 list which was prepared by General HONJO. Everything
17 was fixed then already.

18 Q During your Peiping, Tientsin, and Manchurian
19 days, do you think that Cheng Hsiao-hsu was a loyal
20 servant of yours or a traitor?

21 MR. KEENAN: Mr. President, the prosecution
22 objects to that as not being within the issues of this
23 trial, and not in any matter affecting the credibility
24 of this witness.

25 MR. T. OKAMOTO: However, Mr. President,

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1 this witness has throughout his testimony stated that
2 Chang Hsiao-hsu did this or that, and that he had
3 nothing to do with it, or that he did not know, and
4 I want to confirm some of the facts.

5 THE PRESIDENT: That will confirm nothing.
6 The objection is upheld.

7 Q While in Tientsin, Mr. Witness, did you
8 ever come across reports that there were many de-
9 siring the restoration of the monarchy in Manchuria?

10 MR. KEENAN: Mr. President, the prosecution
11 objects to that question as being repetitive, already
12 having been asked in substance by preceding counsel.

13 THE PRESIDENT: The objection is upheld.

14 Q Was your uncle, Soo Ching-wan, Mr. Witness,
15 an advocate of the restoration?

16 MR. KEENAN: Mr. President, I regret to have
17 to repeat objections to these questions as being with-
18 out the issues of this case. We are not particularly
19 interested in the uncle of Pu-Yi as to any issue in
20 this trial; nor do we think that it will affect the
21 credibility of the witness, whatever the answer will
22 be. We, therefore, object to it.

23 MR. T. OKAMOTO: In the course of the wit-
24 ness's testimony, the witness has said with reference
25 to one of the most important issues, namely, the

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1 interview with ITAGAKI, that this meeting took
2 place in the house of Soo Ching-wan, and I think it
3 is very vital to the issues to know who he was.

4 THE PRESIDENT: I cannot see that it is
5 vital to the issue. I think it is immaterial, and
6 the objection is upheld. It takes longer to receive
7 and to deal with an objection than it does to allow
8 the witness to answer. Still, you have an obligation,
9 a duty to object, I realize, in proper cases. But
10 the Court may have to consider whether it should not
11 see the questions in the cross-examination before they
12 are put, if that were practicable; at present I am
13 afraid it is not. The waste of time is giving us
14 the greatest concern.

15 Q Do you, Mr. Witness, recall that in July,
16 1928, a mob excavated the grave of your -- of the
17 Shin Dynasty in Peking?

18 THE MONITOR: And looted the treasures therein.

19 MR. KEENAN: The prosecution objects.

20 THE PRESIDENT: The objection is upheld.

21 Q Do you believe, Mr. Witness, in the command
22 or order of Heaven?

23 MR. KEENAN: The prosecution objects.

24 THE PRESIDENT: The objection is upheld.

25 I may have to take the course of preventing

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1 you from cross-examining further, subject to what
2 my colleagues have to say.

3 MR. T. OKAMOTO: May I have the indulgence
4 of the Court. However, I think what I will have to
5 ask from now on will come to the heart of the issues,
6 or closer to the heart of the issue.

7 THE PRESIDENT: The Court is always prepared
8 to hear useful, sensible cross-examination, but the
9 questions which have just been objected to success-
10 fully do not go to the heart of the issue, do not go
11 to any issue, do not help in any way at all.

12 Q In the course of your testimony in this
13 Tribunal, Mr. Witness, you have constantly repeated
14 the words restoration -- recovery of the lost terri-
15 tory. Now, for whom did you want this recovery, for
16 the National Government of China, or for the second
17 Shin Dynasty?

18 A For the Republic of China.

19 Q Did you, Mr. Witness, in 1931, desire coopera-
20 tion and collaboration between China and Japan?

21 A No, I do not know to whom I stated that.

22 Q Not who did you say this to, but I am asking
23 you whether you thought in your own mind about Chinese-
24 Japanese cooperation?

25 A I do not think -- no.

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1 Q Do you know, Mr. Witness, that in 1931 it
2 was the policy of the Japanese Government not to ex-
3 tend -- the Japanese Government stood on the policy
4 of ~~non-expansion~~, and that its policy was a passive
5 one?

6 A What do you mean? They have already occupied
7 the whole of Manchuria, and you still say that they
8 don't want to expand further.

9 Q I presume, Mr. Witness, that in 1931 you
10 read the newspapers and followed the course of the
11 Manchurian Incident?

12 A I was then residing in the Japanese Con-
13 cession in Tientsin, and most newspapers I read was
14 Japanese printed newspapers.

15 Q Then, do you not recall, Mr. Witness, that
16 the Japanese Government in 1931 was passive with
17 respect to the Incident?

18 A I cannot recall what the newspapers said
19 then, but I can say this: that whatever the Japanese
20 Government said in the papers was much nicer looking
21 than ~~what~~ was actually done by them.

22 THE PRESIDENT: We will adjourn now until
23 half past nine tomorrow morning.

24 (Whereupon, at 1600, an adjournment
25 was taken until Tuesday, 27 August 1946, at 0930.)